

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NATIONAL BUSINESS FORMS &
PRINTING, INC., d/b/a
GRAPHXONLINE.COM,

Plaintiff,

V.

CIVIL ACTION NO. H-08-1906

FORD MOTOR COMPANY,

Defendant.

FORD MOTOR COMPANY,

Counterclaimant,

V.

NATIONAL BUSINESS FORMS &
PRINTING, INC., d/b/a
GRAPHXONLINE.COM and
QUICKSTICKERS.COM, and
GEORGE H. ATKINSON, III,

Counterclaim Defendants.

AMENDED FINAL JUDGMENT

On December 1, 2009, this case came on for trial on all issues remaining after partial summary judgment was granted to Defendant/Counter-Plaintiff Ford Motor Company in the Memorandum and Order dated and entered October 30, 2009. After the parties had presented their evidence and rested, and after hearing the arguments and authorities of counsel, the Court made and signed on December 21, 2009, its Findings of Fact and Conclusions of Law

adjudicating all remaining issues, and on that same day separately signed a Final Judgment based upon the Court's Findings of Fact and Conclusions of Law and the Order Granting Partial Summary Judgment previously signed and entered October 30, 2009.

On February 16, 2012, the United States Court of Appeals for the Fifth Circuit issued its Opinion and Order affirming the partial summary judgment granted on October 30, 2009, reversing that portion of this Court's Final Judgment holding that NBFP's sale of products bearing the Ford marks to three independent used car dealers amounted to trademark infringement, affirmed the District Court's judgment in all other respects, and remanded the case to the District Court with instructions to enter judgment for NBFP on the category of products bearing the Ford marks that NBFP sold to three independent used car dealers. This Amended Final Judgment is issued to conform to the opinion of the Court of Appeals. Accordingly, based upon the Memorandum and Order of October 30, 2009, the separate Findings of Fact and Conclusions of Law signed December 21, 2009 (except for those Findings of Fact and Conclusions of Law pertaining to NBFP's sale of products bearing the Ford marks to independent used car dealers), and the Opinion of the Court of Appeals issued February 16, 2012, see 671 F.3d 526 (5th Cir. 2012), it is

ORDERED and ADJUDGED that Plaintiff National Business Forms and Printing, Inc. is AWARDED declaratory judgment as a matter of

law that the "NO BIG THREE BAILOUT" decal it printed and sold to a customer does not infringe or dilute Ford's blue oval; that NBFP's printing and sale to independent used automobile dealers of that category of products including stickers, decals, banners, signs, and license plate inserts bearing Ford's blue oval logo and other trademarks together with the corporate logos and trademarks of other automakers, do not infringe or dilute Ford's blue oval or other trademarks; and that NBFP's printing for and sale to authorized Ford Dealers of decals, stickers, license plate frames, banners, and other promotional materials bearing Ford's logos and marks, and ordered from NBFP by authorized Ford Dealers for use in their own sales and offerings for sale of authentic Ford products and services, do not infringe or dilute Ford's trademarks; and, accordingly, NBFP's printing and sale of the foregoing described items to the foregoing persons for the foregoing described purposes held not to infringe or dilute Ford's trademarks, are excepted from the order of injunction set forth below against National Business Forms & Printing, Inc.; and it is further

ORDERED and ADJUDGED that Defendant/Counter-Plaintiff Ford Motor Company shall have and recover of and from Plaintiff/Counter-Defendant National Business Forms & Printing, Inc. d/b/a Graphxononline.com, the sum of FOURTEEN THOUSAND and NO/100 DOLLARS (\$14,000.00) for infringing Ford's trademarks as found in the Memorandum and Order entered October 30, 2009, together with

interest on all unpaid portions thereof at the rate of 0.32% per annum, compounded annually, from December 21, 2009, until paid; and it is further

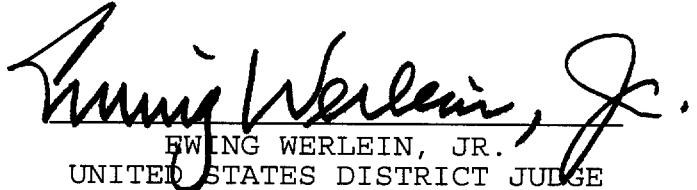
ORDERED that Plaintiff National Business Forms and Printing, Inc., its employees, agents, successors and assigns, and all those in active concert and participation with them, and each of them who receives notice directly or otherwise of this injunction, is permanently ENJOINED from performing, without authorization from Ford or its licensees, all of the following: advertising for sale, displaying on the internet, offering for sale on the internet, manufacturing, producing, transferring, consigning, selling, shipping, or otherwise moving in commerce any and all goods, decals, stickers, banners, packaging, products, or other materials that embody any of Ford's Marks, which are exhibited in Attachment "A" to this Amended Final Judgment.

All other and further relief sought by any party herein and not expressly granted herein is DENIED.

This is a **FINAL JUDGMENT**.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, on this 12th day of April, 2012,
nunc pro tunc on December 21, 2009.


Fwing Werlein, Jr.
UNITED STATES DISTRICT JUDGE